

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re **REISSUE PATENT** application of:

Applicant: Izatt et al.
Application No.: 10/020,041
Filing Date: December 14, 2001
Title: DEPTH-RESOLVED SPECTROSCOPIC OPTICAL COHERENCE
TOMOGRAPHY
Examiner: Hwa S. Lee
Art Unit 2877

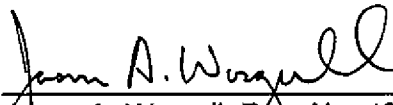
**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE
PATENTING REJECTION OVER A PRIOR PATENT**

The undersigned attorney, on behalf of Case Western Reserve University and University Hospitals of Cleveland, which are owners of one-hundred (100) percent interest in the instant application, hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application which would extend beyond the expiration date of the full statutory term (or any extension thereof), as presently shortened by any terminal disclaimer, of prior Patent No. 5,994,690. Any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned, this provision to run with any patent granted on the instant application and to be binding upon the grantee, its successors or assigns.

No disclaimer is made of any terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term of the prior patent (or any extension thereof), as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is otherwise terminated prior to expiration of its full statutory term (or any extension thereof), as presently shortened by any terminal disclaimer.

The terminal disclaimer Fee of \$65.00 is included by credit card payment. The Commissioner is hereby authorized to charge any deficiency in payment of the terminal disclaimer fee, or credit any overpayment, to Deposit Account No. 18-0988 under the above shown Attorney Docket Number.

Respectfully submitted,



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